

DEC 01 2006

60,010-074; H2678-SS

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1, 6, 7, 13-15 have been amended, and claims 5, 9, and 10 have been canceled. New claims 20-23 have been added. Claims 1-4, 6-8, and 11-23 are pending in the application.

Claims 1-6, 8-10, 13, 14, 16, and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by de Nora. Amended claim 1 recites "a resilient member comprising an uncoiled wave spring." In de Nora, the spring 13, 13a includes coiled nickel wire (see col.8, line 37-46; col.11, lines 33-37; col.11, lines 49-52), and is not an uncoiled wave spring as recited in Applicant's claim. Therefore, claim 1 and its dependent claims are allowable, and Applicant respectfully requests that the rejection be withdrawn.

Regarding claim 13, the amended claim recites that the "spring frame has a side facing toward said electrochemical cavity and another side facing away from said electrochemical cavity and at least one spring frame opening that extends between said sides for receiving said spring and permitting fluid flow between said sides." In de Nora, the opening 11 of the frame 12 does not extend all the way through the frame 12, as in Applicant's claim. Therefore, claim 13 and its dependent claims are allowable, and Applicant respectfully requests that the rejection be withdrawn.

Claims 7, 11, 12, 15, 17, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over de Nora. As explained above, de Nora does not disclose the features of amended claims 1 and 13. The additional teachings of de Nora fail to correct these deficiencies. Therefore, claims 7, 11, 12, 15, and 17 are properly allowable, and Applicant respectfully requests that the rejection be withdrawn.

Additionally, it is axiomatic that there must be motivation to combine teachings to support an obviousness rejection. The rejection fails to state any reason, suggestion, or motivation to make the proposed modification to the base reference. Therefore, the burden remains with the Examiner to establish *prima facie* obviousness. For this additional reason, Applicant respectfully requests that the rejection be withdrawn.

Regarding claims, 7, 15, and 17, the Examiner argues that de Nora does not teach a

60,010-074; H2678-SS

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on December 1, 2006.

  
Matthew L. Koziarz